

APPROVED 10/15/03

**TOWN OF WESTFORD**  
**ZONING BOARD OF APPEALS**  
**MINUTES**

**DATE:** September 2, 2003

**TIME:** 7:15 P.M.

**PLACE:** Westford Academy Lecture Hall

**PRESENT:** Sam Frank, Ron Johnson, Roger Hall, Dave Earl,  
Jim Kazeniac, Bob Herrmann-*arrived at 7:30 p.m.*

**ABSENT:** Jay Enis

**OTHERS**

**PRESENT:** Jennifer Burke, Permitting Office Manager;  
Ellen Doucette-Town Counsel;  
Attorney Mark Bobrowski; Norman Khumalo-  
Assistant Town Manager; Audience Members

**ROSEGATE AT WESTFORD, 99 MAIN STREET**

*Board to Review Draft Decision and Deliberate*

Frank announced that the public hearing was closed at the Zoning Board of Appeals meeting of August 20, 2003. Frank further stated that the Board now has three possible actions: to deny; to approve without conditions; or to approve with conditions. The Board was in receipt of draft decisions for both a denial and for an approval with conditions as prepared by Attorney Bobrowski. Frank stated that the Board has also received input with possible conditions from Doucette and Burke.

Bobrowski and Doucette outlined the draft decision and the conditions to grant a Comprehensive Permit to Rosegate of Westford for the construction of 12 dwelling units.

Revisions were suggested for the following conditions:

5. ...as to form by the Board's legal counsel and for execution by and with the Board of Appeals *and/or subsidiary agency...*
9. The applicant or the Unit Owners Association shall be responsible for installation, operation, and maintenance of all aspects of the common facilities set forth above. *Until such time as the 12<sup>th</sup> unit has been conveyed and the Unit Owner Association will take over the application thereafter...*
11. The applicant's registered professional engineer shall prepare guidelines for the operation and maintenance of the storm water management system *and waste water disposal system...*
12. Prior to the issuance of a building permit for any dwelling unit, the Applicant shall submit the following information or *final* plans for ...  
  
*e. Final engineering plans signed by a registered land surveyor or engineer.*
16. The applicant shall obtain all necessary *State and Federal mandated* permits...
17. The applicant shall grant a "Title 5 Covenant and Easement"...*Proof of recording to be filed with the Zoning Board prior to the issuance of the Certificate of Occupancy.*
20. ...The funds may be used for any purpose designated by the Board of Appeals *or other purposes related to acquisition of affordable housing in the Town of Westford.*
23. The Applicant has requested, and the Board of Appeals has granted, the waivers from local rules set forth... *The Board of Appeals grants no other waivers and the applicant shall comply with all other local bylaws, rules and regulations. Delete sentence: Minor deviations from otherwise applicable local rules may be authorized by the Board of Appeals in the subsequent review and approval of final plans.*
24. *The building shall be substantially parallel to the street.*

Frank asked Khumalo to provide the draft conditions to Christine Pude, Director of the Housing Authority, for her input relative to affordable housing issues.

Burke distributed a list of discussion items. The Board reviewed and discussed the list of items and the potential list of waivers.

The Board was concerned with the density of the project and the number of units. The Board directed Khumalo to discuss with the developer reducing the number of units but keeping the same number of affordable units.

Frank to update the Town Manager and Assistant Town Manager on the status of the Rosegate Development application.

Bobrowski to provide a second draft of conditions of approval by September 5<sup>th</sup>.

### **NEXT MEETING**

The next meeting of the Zoning Board of Appeals will be Thursday, September 11, 2003 at 8:00 a.m.

### **ADJOURNMENT**

It was moved by Johnson, seconded by Earl, and VOTED 6 IN FAVOR WITH 1 ABSENT (Enis), to adjourn the meeting.